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The Resource Page



NEW BOOKS

ADAM BENFORADO, *UNFAIR: THE NEW SCIENCE OF CRIMINAL INJUSTICE*. Crown Publishing, 2015. 400 pp. (\$17.43).

The unseen forces that make our criminal-justice system less fair than we would like is the topic of the debut book by law professor Adam Benforado. As an introductory backdrop, Professor Benforado compares 12th-century ordeals of water and fire to our current justice system. Will our ancestors 900 years from now look back on our current system with similar shock? Benforado thinks they will. Interweaving real cases and events with research findings from psychology and neuroscience, this book examines the underlying—often unconscious—unfairness throughout the criminal-justice system.



This unfairness stems from a number of sources, such as our automatic emotional responses, the way we label victims, neural deficits that can lead to criminal behavior, our desire for retribution, the fallibility of even DNA evidence, and situational influences on behavior. Many of the described empirical findings are the classics from research on psychology and law (e.g., eyewitness unreliability, false confessions, and false memories), but Benforado masterfully describes them in a way that provides a compelling argument for change. Although the book is relatively light on solutions to the inherent unfairness of our system, Professor Benforado does provide some notable suggestions, such as relying more on technology than human faculties. Overall, *Unfair* encourages its readers to take notice of potential injustices that undermine a truly fair legal system.



RESOURCES ON PROCEDURAL JUSTICE

ProceduralFairness.org
www.proceduralfairness.org

This website is entirely devoted to collecting materials related to procedural justice. The site focuses primarily on courts but also includes materials related to law enforcement.

Since January 2014, the website has been posting quarterly summaries (under the “Resources” tab) of new research, along with links to books, articles, presentations, and other materials available on the web. Several podcasts with researchers whose work was included in the quarterly reports can be found at the Procedural Fairness Blog (www.proceduralfairnessblog.org) part of the website. The blog also has suggestions on how to use video to improve a judge’s performance on the bench (www.goo.gl/906eze) and on specific courtroom behaviors that promote perceptions of fairness (www.goo.gl/4VVzSS).

Center for Court Innovation
<http://www.courtinnovation.org/topic/procedural-justice>

The Center for Court Innovation has been another key player in the procedural-justice movement. The website has links to research articles as well as interviews with a number of experts in the field. Under the “Publications” tab, you’ll find a recent publication that will be of interest to most judges: *Procedural Justice: Practical Tips for Courts* by Emily Gold LaGratta. The site also includes an evaluation toolkit that individual courts can use to gauge their procedural-justice performance.

National Center for State Courts
www.ncsc.org

In addition to its contributions to the ProceduralFairness.org website, the National Center for State Courts also has

many other useful resources. On its main website, under the “Information & Resources” tab, you’ll find materials related to “Public Trust and Confidence.” There’s also the Center on Court Access to Justice for All, found at www.ncsc.org/atj. That site includes a webinar on procedural fairness and the self-represented litigant, along with materials for a judicial-engagement curriculum designed to teach neutral engagement with self-represented litigants. In addition, the National Center offers CourTools, a set of performance-measurement tools found at www.courttools.org. The measures on “Access and Fairness” target procedural-fairness issues, and the National Center offers the courthouse-visitor surveys in both English and Spanish.



CONFERENCES OF INTEREST

Kern-Medina Seminar on Science and the Humanities
www.kernmedinaseminar.org

One of the more interesting educational programs specifically for judges is the Kern-Medina Seminar, held each June on the campus of Princeton University. This year’s conference is scheduled for June 9 to 14 and is open to both state and federal judges in the United States, as well as judges in other countries. (Canadian judges have attended.) The seminar is cosponsored by Princeton University and the Federal Judicial Center.

Programs cover a broad spectrum, such as world history, the human genome, the music of Beethoven, the European Union, and molecular biology. Each session includes a question-and-answer period with the expert presenter. The cost of the conference is \$625 per attendee, and judges often bring spouses (for an additional fee).

More information can be obtained at the conference website or by contacting retired judge B. Paul Cotter, Jr. (tcotter1@verizon.net), who coordinates the conference.